

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (RCC)  
ECF Case

This document relates to: *Federal Insurance Co., et al v. al Qaida, et al.*  
03 CV 06978 (RCC)

**AFFIDAVIT IN SUPPORT OF REQUEST FOR ISSUANCE OF  
CLERK'S CERTIFICATE OF DEFAULT**

COMMONWEALTH OF PENNSYLVANIA )  
                                       )  
COUNTY OF PHILADELPHIA         )

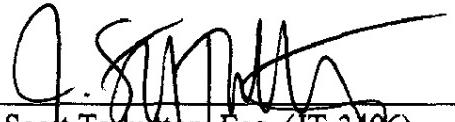
J. Scott Tarbutton, being duly sworn, deposes and says:

1. I am an attorney admitted to practice *pro hac vice* in the above captioned matter, and a member of the law firm Cozen O'Connor. I am familiar with the facts and circumstances in this action.
2. I make this affidavit pursuant to Rules 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of Plaintiffs' application for the entry of default against defendant, the Republic of Iraq ("Iraq").
3. This is an action to recover damages owed by defendants to Plaintiffs for injuries resulting from the terrorist attack upon the United States of September 11, 2001 (the September 11th Attack). Defendant Iraq has been sued based on its participation in a conspiracy to commit acts of international terrorism against the United States, its nationals and allies, of which the September 11th Attack was a direct, intended and foreseeable product. See *Federal Insurance First Amended Complaint ¶¶ 536-540.*

4. Jurisdiction of this Court over defendant Iraq is invoked pursuant to 28 U.S.C. § 1330, as the claims against this defendant fall within the exceptions to immunity set forth at 28 U.S.C. §§ 1605(a)(2), 1605(a)(5) and 1605(a)(7) (Foreign Sovereign Immunities Act).
5. This action was commenced on September 10, 2003 by the filing of the Summons and Complaint. The First Amended Complaint and Summons were filed on March 10, 2004. Defendant Iraq was served with a copy of the First Amended Complaint and Summons, in accordance with the FSIA, as set forth below.
6. Service was effectuated on defendant Iraq through diplomatic channels by the United States Department of State on July 26, 2005. True and correct copies of the Return of Service and supporting U.S. Department of State documents are attached to the Affidavit of Service as Exhibit A.
7. Defendant Iraq has not answered or otherwise responded to the First Amended Complaint and the time for the defendant to answer or otherwise respond to the First Amended Complaint has expired.
8. Plaintiffs request a Clerk's Certificate of Default, which is attached hereto, to provide to Judge Richard C. Casey in connection with a Motion for Default pursuant to F.R.C.P. 55.

WHEREFORE, the Plaintiffs in *Federal Insurance Co. v. al Qaida*, 03-CV-6978 (RCC), respectfully request a Certificate of Default against defendant, the Republic of Iraq.

Dated: Philadelphia, Pennsylvania  
September 29, 2005



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J. Scott Tarbutton, Esq. (JT-3496)  
COZEN O'CONNOR  
1900 Market Street  
Philadelphia, PA 19103  
Tel: (215) 665-2000

Sworn to before me this 29th  
day of September 2005

James M. O'Donnell  
Notary Public



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